

**United States Bankruptcy Court
Eastern District of Wisconsin
Local Bankruptcy Rules Committee
Federal Court House, Room 482
November 8, 2005 at 3:00pm**

In attendance: Judge Dee McGarity, Jeffery Nordholm (Chair), Christopher Austin, Larry Liebzeit (phone), David Asbach, Pete Blain, Tom King, Chris Wolk (phone), and Ralph Anzivino, (Reporter).

There were 11 items on the agenda for today's meeting.

Item #1. A quorum was present to conduct business.

Item #2. Chris Austin compiled a list of changes to be made to the current rules as a result of BAPCPA, and some errata to correct.

Item #3. LR 3001.1. Interest on Secured Claims. Mary Grossman prepared a revised draft of the rule. A friendly amendment was made to clarify that the "in the claim" language should be amended to state "in the proof of claim".

Item #4. Discharge affidavits for Chapters 7, 11, 12 & 13.

Item #5. Local Rule requiring Discharge Declarations. These two items were discussed together. The committee queried whether these declarations are necessary. The issues which arise under the various chapters involve DSO compliance; 522(q) inquiries; and the required time periods between filings. It was noted that section 521 requires the debtor to cooperate with the trustee which could be a source for supplying the necessary information, i.e. DSO Compliance. It was also noted that prior to BAPCPA, for example, no declaration was required for a 727(a)(8) determination. Items three and four of the Court's standing order¹ address some of these discharge issues. After discussion, Jeff Nordholm agreed to develop a position paper discussing the various issues for items #4 & #5.

Item #6. LR 9014- New Subsection (c). A new subsection (c) is proposed to address the notion that when a hearing is required under the code, an objecting party must state the legal or factual basis for the objection. It was suggested that the rule could be redrafted to require a basis for the objection for all objections filed under 9014. Jeff Nordholm agreed to redraft the proposed rule.

#7. LR 9014.1 Service of Affidavit of No Objection. Jeff Nordholm redrafted the rule to require notice to be served on the opposing party with proof of service required. The

¹ In re: Local Procedures to Implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, October 14, 2005, <http://www.wieb.uscourts.gov/bapcpa4i/BAPCPA.html>.

rule passed 7-0.

#8. LR 9014.4 (a) (2). Technical Correction. The word “approximate” should be changed to “appropriate”. The amendment passed 7-0.

#9. LR 1002.1. Summary Information Sheet. The summary information sheet is no longer necessary, and all references in the current rules should be deleted. The proposal passed 7-0.

#10. Chris Austin presented 19 rules changes in the current rules that have become necessary as a result of BAPCPA. All the rule changes, except four, were adopted by a vote of 7-0. The following four items require further study-

LR 1002.2 Electronically filed cases; Debtor to maintain Paper Copies.

LR 1009. Amendment of Petition, Lists, Schedules and Statement of Affairs. The last sentence needs to be reworded to clearly indicate that the trustee is to receive the amendment.

LR 2016.1 Presumed reasonable Fee in Chapter 13. Perhaps it would be easier to amend in the future if it was not in the rules but in the appendix.

LR 9013.2(b). Motion Practice. The items requiring a hearing need to be restudied in light of BAPCPA.

It was further noted that there may be a conflict between LR 9014 (a) and 9014.1 which needs to be addressed upon redraft.

#11. New Business. It was agreed that a Chapter 13 Model Plan should be placed in the Appendix, and a subcommittee should be constituted to draft the Plan. A query was raised regarding the form order of confirmation and whether it should be reviewed.

The meeting adjourned at 5:00pm.

The next meeting is scheduled for November 22 at 3:00pm in Room 482.

Minutes prepared by Professor Ralph C. Anzivino